

ESSEX CONSERVATION COMMISSION

MINUTES

SEPTEMBER 15, 2009

Members: Wallace Bruce, Chairman – present
Robert Brophy - present
Philip Caponigro – present
Elisabeth Frye - present
James Rynkowski – absent
Shirley Singleton - present

Building Permit Application:

W. Bruce signed a building permit application for Jonathan Cort of 51 Story Street for an in ground pool.

Appointments:

Ed McInerney of 48 Lakeshore Drive met with the Commission to discuss repair of retaining walls. Mr. McInerney described the problem with the walls and explained that high water is causing erosion. W. Bruce advised that the Commission usually advised beginning with an RDA. Homeowner asked about installing granite blocks to create a breakwater to help with the erosion. The Commission advised that this should be included in the RDA filing. Homeowner will file an RDA.

Public Hearings:

The Commission opened a Public Hearing on a Request for Determination of Applicability filed by Marcia Strouss and Brian Bernier to remove a shed and construct a new driveway entrance at 1 Riverview Hill. Marcia Strouss presented the application. All of the work is outside the buffer zone. The Chairman opened the hearing to the public. Sue Lufkin of 35 Dodge Street advised that they had been the owner to grant the new easement for the current work and had no objections to the project. On a motion made and duly seconded, the Commission voted to issue a negative determination.

The Commission opened a Public Hearing on a Notice of Intent filed by Ray Cahoon to replace current docks with a boathouse at 10 Patriot's Lane. Ray Cahoon presented the information for the application. S. Singleton asked if there were any pilings that were covered under the current Chapter 91 license. Mr. Cahoon advised that there were a few. Oak pilings will be used which are not treated. The pilings will be brought in sizes that can be handled without machinery and will be laminated together. S. Singleton asked about how the structure will stay in place. Mr. Cahoon advised that the weight of the structure will keep the structure in place. W. Bruce asked if Mr. Cahoon had any indication from DEP if the Chapter 91 license would be approved. Mr. Cahoon advised that he had had spoken with DEP and was told that there were no regulations in Massachusetts that would prohibit the placement of the

boathouse. Concerns of the DEP are the height to be sure that it is above the 200 year flood level, that the pilings will support the structure and that the project is done in such a way that it minimizes the disturbance to the lake. The cutting of the pilings and the installation of the new pilings would not require any work in the water. The Chairman opened hearing to the public. Jeff Garinger of 21 Lakeview Road stated this it was his belief that boathouses were prohibited on the lake and he did not feel that the boathouse is fitting for the lake. Debbie Hickey of 15 Lakeshore Drive expressed that Mr. Garinger would not be able to see the boathouse from his home. Mr. Garinger expressed that he thought that the maximum size of a boathouse could be 600 sq ft. S. Singleton advised that those matters were not in the scope of the Commission. The only issues that the Commission would be dealing with would be the Wetlands Protection Act. He expressed that the movie set had destroyed the cove and he would like to see it restored to its previous condition. Mr. Caponigro expressed that the area is supposed to be restored to its previous condition by the production company. R. Brophy advised that the applicant contact the harbor master regarding the restrictions on boathouses and floats on the lake. Mr. Cahoon expressed that he had a discussion with the Harbor Master on another matter and did not feel that this project fell under his jurisdiction. R. Brophy asked if the Lake Association had been contacted and expressed an opinion on the project. Mr. Cahoon said he felt that the Lake Association was, in general, pleased with the movie project and had no problem with moving the boathouse. Scott DeWitt of 17 Lakeview Road expressed that the Town of Essex should be the beneficiary of the boathouse, however, the town did look at it and determined that it was not built for longevity and they did not want it. His concern is that, although Mr. Cahoon maintains his property, future owners will not maintain the structure. Other boathouses on the lake have not been maintained and the last one on the lake is in disrepair. He requested that the Commission require that the boathouse remain where it is until the Chapter 91 is issued. R. Brophy expressed the opinion that it would be easier to remove the structure from its current location and he would also like to see this requirement written into the OOC. Mr. Cahoon expressed the opinion that this might be something the production company may agree to. Mr. Garinger asked about the permitting process for a Chapter 91 license. Mr. Cahoon was told that it should take 90 to 180 days. Mr. Garinger stated that he had experience that it had taken over a year to get a dock approved. This would be a concern over the winter months. Mr. DeWitt expressed that he felt that planning board may have some jurisdiction and that the Selectmen would probably be the entity to agree to leave the structure at Centennial Grove. Mr. DeWitt asked if the Commission had jurisdiction over materials above the water. W. Bruce advised that there are regulations regarding the structures over the BVW. R. Brophy asked about maintenance regarding painting. Mr. Cahoon felt that the materials would not need to be treated any time soon. S. Singleton asked where the applicant was at this point as far as moving the structure. Mr. Cahoon stated he would prefer to move it, but would be willing to contact the town and Sony Pictures to get permission to keep it in place. The applicant was advised to contact the Lake Association, the Planning Board and the Harbormaster. On a motion made and duly seconded, the Commission voted unanimously to close the hearing.

The Commission continued a Public Hearing on a Notice of Intent filed by Robert Kaminski for work previously conducted without a permit with the 100' buffer zone to onsite resource areas as well as additional proposed site work, including restoration activities at 109 Eastern Avenue. Dan Ottenheimer with Curt Young presented a revised plan which included changes based on the site visit. The applicant will add a stockade fence which will be raised to allow wildlife to move underneath and the leaves will not gather at the bottom which will keep the wood from rotting. White pines will be staggered along both sides of the fence. Cut area for future parking will remain but will be allowed to re-vegetate. If work is done in the future the applicant will come before the Commission. S. Singleton suggested that

the note on the plan should be changed to reflect that the cleared area would be allowed to re-vegetate rather than that it would be for future parking. Mr. Young expressed that this could be changed. Mr. DeRosa expressed that there was a concern that there was no schedule included and the OOC was good for 3 years. He recommended that the note regarding future parking be removed completely. He is concerned about any preconceived ideas about the future use of the area. S. Singleton asked if the time line of the end of October could be met by the applicant. Mr. Ottenheimer stated that he did not know if this could be done without speaking to their client. He suggested that the planting could be done by the spring. Mr. DeRosa advised that the abutters were already damaged and the work should be completed as soon as possible. Mr. Ottenheimer requested that the hearing be continued so he could contact his client about the timeline. On a motion made and duly seconded, the Commission voted unanimously to continue the hearing to October 6.

The Commission continued a Public Hearing on a Notice of Intent filed by Peter Van Wyck for the construction of two single-family dwellings, the installation of a culvert, two septic systems and two driveways, with associated grading at Lot 11W Turtleback Road. Greg Hochmuth of The Neve-Morin Group, Inc. advised the Commission that it had been determined that there are only 12 lots and that the driveway meets zoning standards. All applicable permits have been filed for and a building permit application is not required under the WPA. Wetlands look good as of this time. Metal will be removed from the driveway by hand. Stockpiled pipes will also be removed. More pipes further out back also will be removed from the conservation land. On a motion made and duly seconded, the Commission voted unanimously to close the hearing. On a motion made and duly seconded, the Commission voted unanimously to issue an OOC.

Business:

The Commission reviewed a plan for 57R John Wise Avenue owned by Paul Schroeter to determine if an RDA should be filed. The Clerk was instructed to advise the applicant to file an RDA.

The Commission reviewed and signed the OOCs for Joshua Taylor of 67 Apple Street and JP Morgan Chase Bank for 6 Turtleback Road.

On a motion made and duly seconded, the Commission voted unanimously to approve the Minutes of the August 18, 2009 meeting.

On a motion made and duly seconded, the meeting was adjourned.

Approved: _____

Prepared by: _____